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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/006,839	01/12/1998	PAUL SIDIKMAN	C0464.093809	4194

27510 7590 08/12/2002  
KILPATRICK STOCKTON LLP  
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EXAMINER
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KAZIMI, HANI M

ART UNIT	PAPER NUMBER
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3624  
DATE MAILED: 08/12/2002

28

Please find below and/or attached an Office communication concerning this application or proceeding.

PAA

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/006,839	SIDIKMAN ET AL.
	Examiner	Art Unit
	Hani Kazimi	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 16 July 2002.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 19-37 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 19-37 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Disposition of Claims**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This communication is responsive to Applicant's response filed on July 16, 2002. The rejections are as stated below.

### ***Status of Claims***

2. Of the original claims 1-18, claims 1-18 have been canceled without prejudice or disclaimer in the amendment filed on January 12, 1998, and claims 22-41 have been added in the same amendment. However, since the original claims were 1-18, the added claims 22-41 have been renumbered as 19-38 according to 37 C.F.R. 1.126. In the amendment filed February 16, 2000, claims 19, and 38 have been amended. In the amendment filed August 8, 2000, claim 38 have been canceled without prejudice or disclaimer. Therefore, claims 19-37 are under prosecution in this application.

### ***Summary of this Office Action***

3. Applicants' arguments filed on July 16, 2002 have been fully considered, and discussed in the next section below or within the following rejection are not deemed to be persuasive. Therefore, claims 19-37 are rejected as being unpatentable over the art cited below, and Applicants' request for allowance is respectfully denied.

***Response to Applicants' Amendment***

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 19-37 are rejected under 35 U.S.C. § 102(a) based upon a public use or sale of the invention as discussed in "Trade it Yourself Bank Machines Make a Debut Securities", Los Angeles Times, October 6, 1994.

***Response to Arguments***

6. Applicant's arguments filed July 16, 2002 have been fully considered but they are not persuasive.

In the remarks, the Applicant argues in substance that;

The cited newswire article does not disclose Applicant's invention as claimed. There is no discussion in the cited newswire article of the actual method and detailed steps set forth in independent claim 19 of the present application. Applicant highlighted on page 3 of the response each and every element as set forth in independent claim 19 that the cited newswire article does not expressly or inherently describe.

In response to the above arguments;

As indicated in the previous office action mailed on February 16, 2002 (Paper No. 22) and in the present office action, the newswire article clearly teaches the claimed subject matter.

The Examiner directs Applicant's attention to the highlighted features of claim 19 on page 3 of the response. These limitations are in the alternative, conditional limitations are performed only if the user selects these functions. Both the claimed subject matter and the newswire article disclose that the ATM machine offers a user with a choice between obtaining information or trading, if the user only obtains information such as stock quotes, then none of the conditional trading functions are going to be performed, even though the article does mention the features of trading and buying and selling stocks using an ATM machine. The newswire article clearly teaches all of the positive limitations as set forth in claims 19-37. In addition, the newswire article does mention some of the limitations claimed in the "if statements" for example, the first highlighted feature on page 3 of Applicant's response states that "if the user selects the securities function of obtain information, automatically prompting the user to select one information type from an information type group of holdings, stock quotes, symbol directory, and activity and orders;". The article states that "The screen offers a choice between information or trading. --- Those who just want to check stock prices will pull up a picture of a typewriter keyboard. By touching the screen, they can type in the name of the company or its ticker symbol and get a real-time stock quote ---".

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (703) 305-1061. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703) 305-7687 or 7658.

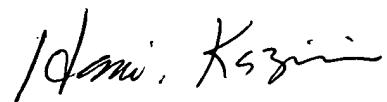
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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 1114.

Respectfully Submitted



Hani.Kazimi

Art Unit 3624

August 1, 2002